

**ENTERED**

March 31, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

BARRY EMMETT II,

Plaintiff,

VS.

TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-247

**ORDER**

The Court is in receipt of the Barry Emmett II's ("Emmett") Motion for Leave to File New Evidence, Dkt. No. 65; the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 66; Plaintiff's Objections to the M&R, Dkt. Nos. 67, 68, 69 and 70; and Plaintiff's letters to the Court, Dkt. Nos. 71, 72 and 73.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 66. The Court therefore **DENIES** Plaintiff's Motion for Leave to File New Evidence, Dkt. No. 65, which is construed as a motion for relief from final judgment.

SIGNED this 31st day of March 2021.



Hilda Tagle  
Senior United States District Judge